

6/12/09



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Marlene H. Dortch, Secretary FCC

Marcy Greene, Deputy Chief FCC

3/3/2009

RE: UTPHONE, INC EB-08-TC-5806 0015408552 2009321070853

This is in response to your Omnibus notice of apparent liability for forfeiture.

I am in compliance with the Annual 47 C.F.F. CPNI Certifications. I sent four (4) copies to Marlene H. Dortch at the FCC in September, 2008. At that time, it was the first that I was aware of such certifications.

I am including two copies to each of you. If you feel we are still out of compliance with the CPNI certifications please notify me by certified mail.

Sincerely,

Elizabeth Beddow

President, UTphone, Inc.

No. of Copies rec'd 04
List ABCDE

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Received & Inspected

MAR 12 2009

FCC Mail Room

Annual 64.2009(e) CPNI Certification for 2007

Date filed: 09092008

Name of company covered by this certification: UTphone, Inc

Form 499 Filer ID: 826113

Name of signatory: Elizabeth J. Beddow

Title of signatory: President

I, Elizabeth J. Beddow, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company [is] in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules.

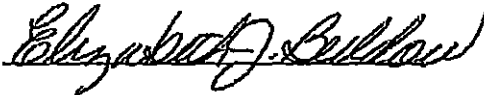
The company has not taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

If affirmative:

The company has not received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, e.g., instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

If affirmative:

Signed



CPNI Rules

- 1. Never give out any customer information to anyone. Use the following rules.**
- 2. If anyone needs information regarding telephone number have them call AT&T directory assistance.**
- 3. If customer, verify telephone number and address with zip code to be sure it is correct customer.**
- 4. If someone else is calling regarding a customer account, speak to our customer during that call, prior to giving out any information.**



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*CPNI = Customer Proprietary Network Information***Announcements**

8/21/08

Deletion of Agenda Items from August 22, 2008, Open Meeting.
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8/15/08

FCC to Hold Open Commission Meeting, Friday, August 22, 2008.
Public Notice: [Word](#) | [Acrobat](#)

8/1/08

Deletion of Agenda Item from August 1, 2008, Open Meeting.
[Word](#) | [Acrobat](#)

7/25/08

FCC to Hold Open Commission Meeting Friday August 1, 2008.
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Federal Communications Commission
Office of the Secretary
c/o Natek, Inc., Inc.
236 Massachusetts Avenue, N.E.
Suite 110
Washington, DC 20002

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
9300 East Hampton Drive
Capitol Heights, MD 20743

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Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

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(202) 418-0300, tty (202) 418-2970

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Filing procedures. All filings are to reference **EB Docket No. 06-36**. All filings must be addressed to the Commission's Secretary, Marlene H. Dortch, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW, Suite TW-A325, Washington, DC 20554. Two (2) courtesy copies must be delivered to Federal Communications Commission, Enforcement Bureau, Telecommunications Consumers Division, 445 12th Street, SW, Washington, DC 20554, and one (1) copy must be sent to Best Copy and Printing, Inc., 445 12th Street, Suite CY-B402, Washington, DC 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

Certifications may be filed: (1) using the Commission's Electronic Comment Filing System (ECFS); (2) or by filing paper copies.

- **Electronic Filers:** Certifications may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.
- **Paper Filers:** Parties who choose to file by paper must file an original and four copies of each filing. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- The Commission's contractor will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE., Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, SW, Washington DC 20554.

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Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room CY-A257, Washington, DC, 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-488-5300, facsimile 202-488-5563, or via e-mail FCC@BCPIWEB.COM.

For further information regarding the annual certification filing contact Marcy Greene, Telecommunications Consumers Division, Enforcement Bureau, (202) 418-2410.

Annual 47 C.F.R. § 64.2009(e) CPNI Certification

EB Docket 06-36

Annual 64.2009(e) CPNI Certification for **[year]**

Date filed: **[date]**

Name of company covered by this certification: **[company]**

Form 499 Filer ID: **[Provide ID]**

Name of signatory: **[Name]**

Title of signatory: **[Title]**

I, **[Name of Officer signing certification]**, certify that I am an officer of the company named above, and acting as an agent of the company, that I have personal knowledge that the company has established operating procedures that are adequate to ensure compliance with the Commission's CPNI rules. *See 47 C.F.R. § 64.2001 et seq.*

Attached to this certification is an accompanying statement explaining how the company's procedures ensure that the company [is/ is not] in compliance with the requirements set forth in section 64.2001 *et seq.* of the Commission's rules **[attach accompanying statement]**.

The company **[has/has not]** taken any actions (proceedings instituted or petitions filed by a company at either state commissions, the court system, or at the Commission against data brokers) against data brokers in the past year. Companies must report on any information that they have with respect to the processes pretexters are using to attempt to access CPNI, and what steps companies are taking to protect CPNI.

If affirmative: **[Provide summary of any action taken against data brokers]**

The company **[has/has not]** received any customer complaints in the past year concerning the unauthorized release of CPNI (number of customer complaints a company has received related to unauthorized access to CPNI, or unauthorized disclosure of CPNI, broken down by category or complaint, *e.g.*, instances of improper access by employees, instances of improper disclosure to individuals not authorized to receive the information, or instances of improper access to online information by individuals not authorized to view the information).

If affirmative: **[Provide summary of all customer complaints received in the past year concerning the unauthorized release of CPNI]**

Signed _____ **[electronic signature]**